



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**

INLET SEAFOOD PROPERTY LLC  
PO BOX 2148  
MONTAUK, NY 11954-2148

**Facility:**

Montauk O&M Facility  
541 E LAKE DR|SCTM# 300-6-2-2&3  
MONTAUK, NY 11954

South Fork Wind LLC  
56 Exchange Ter Ste 300  
Providence, RI 02903  
(401) 868-4228

**Facility Location:** in EAST HAMPTON in SUFFOLK COUNTY

**Facility Principal Reference Point:** NYTM-E: 757.484 NYTM-N: 4551.697  
Latitude: 41°04'32.8" Longitude: 71°56'06.4"

**Project Location:** 541 East Lake Drive on Lake Montauk

**Authorized Activity:** Construction of an Operations and Maintenance Facility (O&M Facility) including:

- (1) Removal of existing piles and docks.
- (2) Dredging approximately 2,500 cubic yards in the existing marina to accommodate deeper draft Crew Transfer Vessels. An approximately 0.41 acre area of Lake Montauk will be dredged to a depth of -12.4 feet mean low water with an additional one foot of allowed overdredge.
- (3) Maintenance repairs to the existing bulkhead including new waler and tierods.
- (4) Construction of a new floating pontoon dock (100 feet long by 16 feet wide with 5 feet of freeboard).
- (5) Installation of five 2-foot diameter steel pipe piles and one 2-foot diameter steel monopile to secure the pontoon dock and provide mooring for Crew Transfer Vessels.
- (6) Installation of an aluminum gangway (28 feet long by 4 feet wide).
- (7) Annual maintenance dredging of up to 1,500 cubic yards per year, within the permit term.



**Permit Authorizations**

**Excavation & Fill in Navigable Waters - Under Article 15, Title 5**

Permit ID 1-4724-00371/00039

New Permit

Effective Date: 11/16/2021

Expiration Date: 11/15/2031

**Water Quality Certification - Under Section 401 - Clean Water Act**

Permit ID 1-4724-00371/00040

New Permit

Effective Date: 11/16/2021

Expiration Date: 11/15/2031

**Tidal Wetlands - Under Article 25**

Permit ID 1-4724-00371/00041

New Permit

Effective Date: 11/16/2021

Expiration Date: 11/15/2031

**Docks, Platforms & Moorings - Under Article 15, Title 5**

Permit ID 1-4724-00371/00042

New Permit

Effective Date: 11/16/2021

Expiration Date: 11/15/2031

**NYSDEC Approval**

**By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.**

Permit Administrator: KAREN M GAIDASZ, Deputy Chief Permit Administrator

Address: NYSDEC Headquarters  
625 Broadway  
Albany, NY 12233

Authorized Signature: \_\_\_\_\_

Date 11 / 16 / 2021



## Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: EXCAVATION & FILL IN NAVIGABLE WATERS; WATER QUALITY CERTIFICATION; TIDAL WETLANDS; DOCKS, PLATFORMS & MOORINGS**

### GENERAL REQUIREMENTS

- 1. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Orsted, on behalf of South Fork Wind LLC as listed in Condition #2, Approved Plans.
- 2. Approved Plans** “Montauk O&M Facility” Joint Permit Application, submitted by South Fork Wind LLC, prepared by Orsted, originally received on March 15, 2021, with subsequent revisions as listed below:
  - NYSDEC Joint Application, dated March 15, 2021, last revised July 27, 2021.
  - Exhibit B Montauk O&M Onshore Plans, dated July 27, 2021.
  - Exhibit C Montauk O&M SPDES Info, dated July 27, 2021.
  - SFW – Montauk Dredging Footprint Errata, dated July 27, 2021.
  - Dredge Management Plan, dated November 15, 2021.
- 3. Approved Plan Discrepancies** If there is a discrepancy in the Approved Plans, the most recent document or plan takes precedence. If there is a discrepancy between the Approved Plans and any permit condition, the permit conditions take precedence.
- 4. Revised, Modified or New Plans** The Permittee must notify NYSDEC of material alterations to any Authorized Activity at least 1 week prior to starting that Activity. NYSDEC reserves the right to modify permit conditions upon review of revised, modified or new plans.
- 5. No Interference With Navigation** There shall be no unreasonable interference with navigation by the work herein authorized.



**6. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

**7. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

**8. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

#### NOTIFICATIONS AND POSTINGS

**9. Notifications and Submissions to NYSDEC** All notifications and submissions required by this Permit must be provided in writing to the Permit Administrator at NYSDEC, 625 Broadway, Albany, NY 12233 and by email at: [karen.gaidasz@dec.ny.gov](mailto:karen.gaidasz@dec.ny.gov).

**10. Notification of Commencement of Authorized Activities** The Permittee must notify NYSDEC at least 48 hours prior to commencement of any Authorized Activities.

#### BEST MANAGEMENT PRACTICES

**11. Storage of Equipment, Materials** The storage of construction equipment and materials shall be confined to the upland area landward of the bulkhead or on a barge.

**12. No Disturbance to Vegetated Tidal Wetlands** There shall be no disturbance to vegetated tidal wetlands or protected buffer areas as a result of the permitted activities.

**13. No Construction Debris in Wetland or Adjacent Area** Any debris or excess material from construction of this project shall be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in wetlands and/or protected buffer areas.



#### **14. Filter Fabric Turbidity Curtain**

- a) A filter fabric turbidity curtain weighted across the bottom and suspended at the top by floats must be positioned to enclose the work site before commencing dredging, bulkhead repairs and other sediment disturbing activities.
- b) The curtain shall remain in place and in functional condition during all in-water work.
- c) The curtain must remain in place for at least two hours after completing in-water work and until turbidity inside the curtain no longer exceeds ambient levels.
- d) The curtain must be inspected and maintained daily prior to commencing dredging activities.
- e) If a curtain is not utilized, in-water work may not be conducted between December 15 through May 31 to be protective of winter flounder or between June 1 through July 31 to be protective of shellfish.

**15. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

**16. Report Spills** Any spillage of fuels or other petroleum products or hazardous materials shall be reported to NYSDEC's Spill Hotline (1-800-457-7362) within 2 hours.

**17. Water Quality Standards** Visual observations of turbidity must be conducted to ensure compliance with the narrative water quality standard in 6 NYCRR § 703.2, which states, "No increase that will cause a substantial visible contrast to natural conditions."

### **DREDGING**

#### **18. Dredging Operations**

- a) A closed environmental bucket must be used for dredging.
- b) Barges must be in good operating condition and be designed to contain sediments.
- c) Scows must be of solid hull construction or be sealed.
- d) Dredging equipment must be operated in a manner that minimizes re-suspension of sediments.
- e) Bucket retrieval rates must be controlled to minimize turbidity.
- f) Bucket decanting and loss of dredged material into the waterbody during dredging and scow/ barge loading must be controlled to minimize turbidity.
- g) Sediment within the scows must be given adequate time to settle prior to the decanting of the scow.
- h) Excessive loss of water/material from the bucket must be investigated and repaired.
- i) The use of a dragline for dredging is prohibited.
- j) All dredging must be conducted to leave a uniform bottom elevation free of mounds or holes.
- k) All side slopes of the dredged area must have a maximum 1:3 slope.

**19. Management of Dredge Materials** Dredge materials shall be managed either through upland beneficial reuse or upland disposal at a NYSDEC-approved disposal facility, as described in the draft Dredge Management Plan submitted by Orsted on November 15, 2021. A final Dredge Management Plan shall be submitted to NYSDEC for review and approval at least 60 days prior to commencement of any Authorized Activities. The final Dredge Management Plan must describe dewatering operations and how dredge sediments will be transported from the marina to the upland beneficial reuse location or upland disposal facility.



**20. Dredged Depth Survey** Within 30 days of completion of the dredging operations, an as-dredged depth survey shall be submitted to NYSDEC.

**21. Maintenance Dredging** The Permittee shall submit a maintenance dredging plan at least 60 days prior to conducting any annual maintenance dredging. At a minimum, the plan must include the following information:

- a) Drawing depicting the area and extent of dredging
- b) Quantification of dredge material to be removed
- c) Description of dredging equipment and methodology
- d) Dewatering plan
- e) Dredge materials management plan

No maintenance dredging shall occur until NYSDEC has reviewed and approved the plan.

## WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

**1. Water Quality Certification** The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.

## GENERAL CONDITIONS - Apply to ALL Authorized Permits:

**1. Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.



**2. Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**3. Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Deputy Chief Permit Administrator  
NYSDEC Headquarters  
625 Broadway  
Albany, NY12233

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Docks, Platforms & Moorings, Excavation & Fill in Navigable Waters, Tidal Wetlands, Water Quality Certification.

**5. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**6. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.



## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### **Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

### **Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

### **Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

### **Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.